

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BENJAMIN G OWEN, individually and No C 05-3651 VRW
on behalf of other individuals
similarly situated, ORDER

Plaintiff,

v

E*TRADE FINANCIAL CORP, et al,
Defendants.

On March 7, 2006, in response to plaintiff's notice of voluntary dismissal, the court ordered plaintiff to file an application for approval of the voluntary dismissal pursuant to FRCP 23(e). Doc ##9, 10. In doing so, the court overlooked the disclaimer of any binding effect on any party other than named plaintiff Owen. That disclaimer appeared in plaintiff's notice of voluntary dismissal. Doc #10. As dismissal would not appear to affect the interest of a class member, approval of the court is not required. See FRCP 23(e)(1)(A); see also FRCP 23 advisory

1 committee's note.

2 Accordingly, the court's order of March 7, 2006, is
3 hereby VACATED and the action is DISMISSED. The clerk is directed
4 to close the file and terminate all motions.

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6 SO ORDERED.

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10 VAUGHN R WALKER

11 United States District Chief Judge
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